

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BRUNO HOFMANN

v.

PHILIP LAUGHLIN, et al.

Civ. No. 04-10027-JLT

ORAL ARGUMENT REQUESTED

**MOTION OF DEFENDANTS ALBERT ERANI, PHILIP LAUGHLIN,
DONNA ABELLI LOPOLITO, MICHAEL SABOLINSKI, ALAN
TUCK AND HERBERT STEIN FOR SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56, defendants Albert Erani, Philip Laughlin, Donna Abelli Lopolito, Michael Sabolinski, Alan Tuck and Herbert Stein move for summary judgment as to all remaining claims asserted against them. The grounds for this motion are set forth in the accompanying memorandum of law, affidavit, appendix, and supporting exhibits.

As set forth in the accompanying memorandum of law, summary judgment should be granted because: (1) the only claims remaining in this case are the individual (not class) claims of Bruno Hofmann against defendants Erani, Laughlin, Lopolito, Sabolinski, Tuck and Stein; (2) Hofmann does not have standing to base a lawsuit on any of the alleged misrepresentations made after his last purchase of Organogenesis stock in April 2000 (Challenged Statements Nos. 10-29) because he could not possibly have relied on or been misled by them, and they could not have inflated his purchase price; (3) Hofmann's claims based on Challenged Statements Nos. 1-9 cannot survive summary judgment because, as a matter of law, those statements are either immaterial, or indisputably true, or both; and (4) there is no evidence of loss causation.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(D), defendants Albert Erani, Philip Laughlin, Donna Abelli Lopolito, Michael Sabolinski, Alan Tuck and Herbert Stein respectfully request that the Court grant a hearing on their Motion for Summary Judgment.

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(A)(2)

Counsel for the defendants certifies that he has attempted in good faith to resolve or narrow the issues raised in this Motion, but has been unable to do so.

/s/ Jonathan A. Shapiro
Jonathan A. Shapiro

WHEREFORE, defendants Albert Erani, Philip Laughlin, Donna Abelli Lopolito, Michael Sabolinski, Alan Tuck and Herbert Stein respectfully request that the Court:

- (i) Grant their Motion for Summary Judgment and enter judgment on all claims asserted against them; and
- (ii) Grant such further relief as is fair and just.

ALBERT ERANI, PHILIP LAUGHLIN,
DONNA ABELLI LOPOLITO, MICHAEL
SABOLINSKI, and ALAN W. TUCK

By their attorneys,

/s/ Eric D. Levin

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Dated: April 18, 2007

CERTIFICATE OF SERVICE

I hereby certify that a true copy of this document was filed through the ECF system on April 18, 2007, and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Eric D. Levin

Eric D. Levin